

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MELVIN BARHITE,

Plaintiff,

No. 12-13722

v.

District Judge Gershwin A. Drain
Magistrate Judge R. Steven Whalen

DAVE SUMNER, ET AL.,

Defendants.

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ORDER

Before the Court is Plaintiff's Motion to Delay Summary Judgment Opinion/Order [Doc. #22]. Plaintiff filed a response to Defendants' motion for summary judgment. On August 21, 2013, I filed a Report and Recommendation recommending that the motion be granted on the basis of qualified immunity. In so recommending, I assumed Plaintiff's allegations to be true. There is no basis to grant this motion to delay.

Accordingly, Plaintiff's Motion to Delay Summary Judgment Opinion/Order [Doc. #22] is DENIED.

IT IS SO ORDERED.

s/ R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Date: August 22, 2013

I hereby certify that a copy of the foregoing document was sent to parties of record on August 22, 2013, electronically and/or by U.S. Mail.

s/Michael Williams
Case Manager to the
Honorable R. Steven Whalen